

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 27 7:00 p.m. 20 09

CALL TO ORDER:

1. The council meeting was called to order Monday, April 27, 2009 at 7:02 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Retired Rev. Richard Scherpenisse.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Revoldt: Thank you Richard, good to see you. Clerk, would you please call the roll.

The following members of Council responded to roll call: Davies, DeOrio, Kiesling, Peters, Revoldt, and Snyder. Council Member Foltz was not present for the meeting. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, City Engineer Benekos, Rental Coordinator Raymond, and Superintendent of Streets & Utilities Chufar and Clerk of Council Kalpac.

Mr. Revoldt: May I have a motion to excuse Mr. Foltz.

Mrs. Kiesling moved and Mr. DeOrio seconded to excuse the absence of Council Member Foltz. All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

5. Consideration

Council Meeting Minutes – April 13, 2009
Financial Statement - March, 2009

Mr. Revoldt: We have for your consideration minutes of the council meeting of April 13th and the financial statement for March, 2009. Are there any corrections or amendments to those official minutes or the financial statement?

Mr. DeOrio moved and Mr. Peters seconded to approve the council meeting minutes and financial statement as presented: All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio

No: 0

6. Committee Minutes

Mr. Revoldt: We also have for your consideration committee reports for executive sessions on personnel and safety held on the 13th of April and the 20th of April; minutes from the Finance & Property Committee meeting held on the 20th; Ordinance, Rules & Claims; Personnel & Safety; and Street & Alley also all held on the 20th. Are there any corrections or amendments to those minutes?

Mr. DeOrio moved and Mr. Peters seconded to approve the executive session and committee report minutes as presented: All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

Executive Session - Personnel & Safety: Please refer to the minutes on file in the Council Office for the Executive Session for Personnel & Safety meetings two held April 13, 2009 and one April 20, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held April 20, 2009.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office for the Ordinance, Rules & Claims Committee meeting held April 20, 2009.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office for the Personnel & Safety Committee meeting held April 20, 2009.

Street & Alley Committee: Please refer to the minutes on file in the Council Office for the Street & Alley Committee meeting held April 20, 2009.

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7. Recognition of Visitors

Mr. Revoldt: Recognition of Visitors – Is there anyone here who wishes to address the Council? Welcome back to the microphone.

Richard Scherpenisse: Thank you. I think I will say who I am, Richard Scherpenisse and I live at 419 Chapple Hill Drive in North Canton. I come to talk to you a little bit about supporting the MRDD levy. We've heard a lot about how Southgate might close and Eastgate might close but there are more than just children involved in MRDD. Two weeks ago I received a call from one of the funeral homes about a 55 year old lady who had died who was a part of the ...inaudible... homes. I asked what is her history. Tell me about her family. At age three days her mother and father gave her up to the system of the state and never saw her again. She was placed in a state hospital with rows of cribs. Her caregivers might have paid some attention to her and may not have. The people of that state hospital were responsible for taking care of her and she had cigarette burns on her arms and legs where they didn't care. There are a lot of people who are 54 and 55 years who are involved in MRDD they are like that lady. Fortunately in the 60's and 70's things began to change and in the 80's and 90's and 2000 we have homes and children are not placed in state hospitals. So I just come and encourage you and to tell anyone you know to please vote for Issue 1.

Rita Palmer: My name is Rita Palmer and I live at 307 Fairview Street in North Canton. And I would like to clear up some misunderstandings that arose at your last council meeting, on the topic of abatements. My husband, Chuck Osborne, and I do not think that all abatements are bad. We do question a recent city decision to seek out Acme Click and offer to them an abatement when this company did not come to the city and say we cannot make our improvements without an abatement or we will need to move and take 200 plus jobs with us if we do not get a tax abatement. The purpose of commercial abatements, I believe, is to help a company struggling to keep jobs or having difficulty paying for a new building, expansion or remodeling. The abatement is used to keep the company and its jobs in the city and the deal from falling apart. The free-will offer to Acme does not seem to fit these purposes. If Acme were in dire need they would have come to you. The city is in need of money and may need to raise the income tax or ask its workers to pay more for insurance or accept lower pay. The schools are in need of money and must cut back 1.5 million dollars from next year's budget. It is hard to understand why the city would try to give away money that would hurt these taxpayers and the city schools. Why would you ask the superintendent to sacrifice school programs just so you can say the city is quote unquote, "business friendly"? It boggles the mind. With that said, the purpose of home abatements is to shore up the housing stock to keep homes in good shape and up to code so wage earners will want to live in downtown. The city states that those living in the heart of town who put \$15,000 into code improvements are eligible for an abatement. I have done that for my house which was built in 1921 and which my family has owned for 63 years. I have met the criteria for a home abatement several times over and I see no reason to give my abatement back. The city even benefits from the taxes on three jobs because Chuck and I choose to live in North Canton. I am dismayed that my community leaders when at a loss for words to explain their position choose instead to utilize personal attacks. I am not a business with 400 million dollars in sales. I cannot raise the price of my widgets to pay my taxes. Your seeming lack of understanding regarding the differences between commercial and home abatements is sad or perhaps you were only bating my husband, which is even worse. To be clear, I do not want to give up my abatement and your suggestion in the public arena that I do so was not appropriate and was not appreciated. Please keep me and my home out of your public discussions and thank you for letting me clarify these issues.

Mr. Revoldt: Thank you Rita. Is there anyone else who wishes to address the council?

George Daniluk: 502 Werstler. First I'd like to congratulate all those involved in bringing the additional jobs to the Hoover complex and particularly since the city had to make no financial commitments to get them here. I'd like to make a few final comments on the Acme tax abatement issue also. If Acme's gross sales are in fact 400 million dollars a year, with an arbitrary profit margin of one (1%) percent, they would have available four million dollars to put back into the company. The \$6600 or so tax abatement per year could well be what Acme makes on the sale of bananas alone. \$6600 is probably insignificant to the city and surprisingly to the school system since they were willing to sign off on this. So in reality giving the abatement is probably a token of appreciation for Acme's presence in the city rather than a significant monetary gain for anyone. However, it would have been an honorable gesture if Acme had said thanks for the abatement offer but we would just appreciate the continued support and patronage of our business by the people of North Canton and its surrounding area. Lastly, I'm disappointed but somewhat not surprised, that ... council had to create a distraction from having a meaningful public discussion on the merits of this abatement by diverting attention to the Osborne's for applying for and receiving an abatement to improve their home and neighborhood, just as the CRA program was intended to do. Unfortunately,

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all the news media picked up on was the disclosure of the Osborne abatement and not why some questioned the justification of a tax break for Acme. When this ordinance comes up in the agenda I would hope we have at least a token discussion pro or con rather than just casting generic yes votes. Although I sympathize with Acme and all businesses for being hit with taxes of all sorts, a decision must be based on the guidelines of the abatement program. Thank you.

Mr. Revoldt: Thank you Mr. Daniluk. Is there anyone else who wishes to address the council regarding this matter or any other.

Mr. Davies: If I may...

Mr. Revoldt: You may, if there is no one else. Mr. Davies...

Mr. Davies: It's my understanding - I talked to both the Mayor and Mr. Bowles, it's my understanding that Acme came to the city, the city did not go to Acme for this tax abatement. Is that not correct?

Mayor Held: Yes.

Mr. Davies: So apparently there's a misconception. I know somebody told Chuck up there, but I don't know you know what he knew or whatever, cause I agree if the city is going after business and offering monies I'll never vote for that, ever, because that's wrong. But if a company you know comes to the city my understanding is - don't know because I don't have their books, but I've been told this store in North Canton makes no money. There is no profit at the store in North Canton. Is that your understanding?

Mayor Held: Eric, you can go ahead and answer.

Mr. Bowles: Yes yes, absolutely.

Mr. Davies: So...

Mr. Bowles: We have Mr. Hicks in the back if you'd like him to...

Mr. Revoldt: No, you can answer the question.

Mr. Bowles: Inaudible... no. At this point in time that's my understanding.

Mr. Davies: You know my understanding with grocery stores profit margins are razor thin and they're not making money hand over fist and so forth and that this money does help them. They've been a great business partner for North Canton employing people. And they have a wonderful store for people to shop in. You know I just - I don't think these attacks are warranted. You know we're trying like heck up here to keep businesses in North Canton to be as you know business friendly whether you like the term or not. You know we're trying and a company like Acme is a company you want to keep in this city. They employ quite a few people and of course they're the anchor store for that shopping center up there which has several other businesses that are helped by the mere fact that Acme's there. So you know unless I find out differently, as I say it's been my understanding Acme came to the city the city did not come to Acme. And this money is a help to them. And they're putting quite an investment into the City of North Canton. And I applaud them. I thank them for staying in North Canton and putting this investment into city - into their store and into the city.

Mayor Held: If could - if I can just add to that. You know when you look at economic development the real challenge - there's two objectives: one is bringing in new jobs, which is not an easy thing to do. We've really had a couple of rare circumstances, particularly with the last company that we just announced this past Friday. Because we did not have to give them any economic incentives and we brought in 250 jobs, which is very very rare, as many of you know in today's economy. The second thing is is keeping jobs. That's an even more difficult situation. Because often times the business will leave before you even realize that they're struggling or that they're moving out of town. And so Eric he's really our only department of development employee. We have one economic development department employee and he's responsible for bringing in new jobs and keeping all the existing jobs that we have in the city. Not an easy thing to do. When we had the Blockbuster - when they moved out just as many other businesses have along Main Street, often times we don't realize it until - until the business is gone. So with Acme, they've been a great anchor store as Councilman Davies just mentioned and when we have a strong grocery store that's occupying that building that brings other activity to the adjacent stores. And I'd just like to say that I'm very pleased that Acme's making an investment in our community. They provide great service and I personally shop there myself for groceries. And we're just really happy to have you. And I know that it's - it's not easy when we're trying to discern whether we give a tax incentive for one company or for one deal or not. It's just not an easy - it's not real easy to make that decision because you're going off of information from the company and then - and also you're looking at the circumstances. But I don't have any regrets for the abatement that council has granted and I'm just glad to have Acme in North Canton, staying in North Canton and investing in their business. That's all.

Mr. Revoldt: Marcia.

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Mrs. Kiesling: I don't have a whole lot more to add other than I feel the same exact way. It's a huge investment in the community. Apart from even the new clinic they're going to put in I think it's you know they're expanding what they're going to do on the site. So I'm very excited.

Mr. Osborne (speaking from the audience): Is the recognition of visitors still open?
Mr. Revoldt: Always for you Chuck.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I think when you're addressing these incentives and they should be looked at as incentives, is this a make or break. Have they told you they're going to leave unless they get this \$6600 a year? It's creating quite a precedent every time you give these away just because somebody paints the walls. This should be make or break - if they're telling you that they will leave without this abatement then maybe you've got something to think about. But to just hand out funds and I'm not here to contradict the gentleman I talked with at Acme Click, but I sat in his office and he told me they don't normally ask for abatements. These abatements are make or break. Are you going to leave unless you get this abatement? But just to grant them in mass ...inaudible... and you're elevating these to a new level now. This is a company that grosses in excess of 450 some odd million in sales. Granted it's a very fine market. But if you give one to Acme Click pretty soon you're going to have Giant Eagle in here wanting to remodel and paint and they're going to want an abatement. Fishers might move to town or we might annex - God forbid you annex ...inaudible... annexations here Mayor. And Fishers will ask for one. You're just opening a Pandora Box with these abatements. Once we give this abatement we'll see ...inaudible... progress at Acme Clicks. And this is progress for them and ...inaudible... progress for the city. How can you sit here for the last year and a half and tell everybody how difficult and dire straights the city is in, continue to layoff city employees and anticipate more layoffs. The schools now, if anybody's done any homework and talked to the school district will know that they're also expecting deficits here and then turn around and give these abatements. As my wife said it does boggle the mind. I know you wouldn't handle your budget this way and I wish you wouldn't handle our budget this way. Thank you.

Mr. Revoldt: Thank you Chuck. Mayor, you're first, Mr. Bowles you're second and then I will come back for the third and final word.

Mr. Snyder: There's a gentleman there that wants to speak.

Mr. Revoldt: Go ahead.

Mr. Hicks: May I?

Mr. Revoldt: You may. Please step forward to the microphone and state your name and address.

David Hicks: My name is David Hicks, I'm the Financial Officer with Acme Stores. My home address is 167 Bar Harbor and that's Medina. I just want to speak to just a couple of points. And I was here a couple of weeks ago and I do appreciate the positive remarks about our organization. And we've been in business at that location for more than 30 years and we want to be there for 30 or more going forward. First of all we responded to a call from Mr. Bowles' Office following our press release. I ...inaudible... answer the gentleman's questions do we make it a policy to go after tax abatements. I said no, we don't make it a policy. To be quite honest with you we're not that familiar with the CRA. In discussion about our project coming out of the press release we inquired to Mr. Bowles if there was something available to help. 2008 has been a hard year for everybody including Acme. We cut our capital spending by seventy-five (75%) percent this year. That store in North Canton is the only major project we're doing this year. Every little bit does help. One other fact is that we will proceed with or without the abatement that is true. The plans have been final, we need to get started. We think we complied with what's required. We don't see it as an abatement, it's a reduction in an increase taxes that we pay at that store. That store pays nearly \$90,000 a year in taxes - just real estate taxes ...inaudible... So to close it's something that would help towards what would be an increase in the costs in running that store.

Mr. Revoldt: Thank you very much sir. Being the contentious and I'm just going to go ahead because we have to move on here...

Mayor Held: Yea, go ahead.

Mr. Revoldt: But being the contentious and disagreeable Council President that I am I always get the last word and tonight I'll have it. It's like Burger King I'll have it my way. Chuck, you are right there is a school of economic development that includes what's called the but for clause, that the project would not go forward but for the incentive. That's true. But there's also a set of incentives in economic development in which and this would be a case in which a community partners with a business in a minor way. And this is just in terms of economic development professionals just as valuable as the but for incentive. As we heard from the representative, individual stores as in businesses compete for capital. And what the city is proposing to do or the administration is asking the council is to provide a very small discount on the cost of money in a business that's measured in pennies. And again I would - I would say that again while it's - while you can look at the business in it's larger context, many retailers look at the operation of their stand alone stores and

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base decisions upon a stand alone basis. But I would simply say for the record that I have given this a fair amount of thought. And as a matter of fact I gave to council last week a set slides from an economic development session out in Colorado that talks about what site selectors look for in choosing communities. And one of them, those critical elements within the community, is does it support business expansions within the retention activity. And in my opinion for a very modest amount of money we are helping support an expansion by reducing the cost of capital all be it in a very small amount. In effect it is the symbolism that is more important than the dollar value itself. Does symbolism matter? If any of you, many of you or some of you may have attended the announcement Friday that's going to bring 250 jobs. Why did that site selector recommend North Canton; in part because this administration and this council conduct themselves in a businesslike fashion. It's not civil war on Monday nights. This is a good place to invest capital. Now, Rita, the fact of the matter is Chuck and I disagree. And I happen to think that many times when Chuck disagrees with us it is thinly veiled personal attack. Now my skin is fairly thick and I don't object to it. Chuck was not personally attacked. He was making an argument about an abatement. The difference is your abatement didn't have to pass a city council. He applied for it, he received it and as the press reported I said it's a great thing, we're delighted he did it and we're delighted everybody invests the kind of sum in their homes that you do. It is the purpose. But simply because we disagree on whether it's abatement for as a gesture of good – of support or whether it's but for doesn't make it personal. It's simply a disagreement. It's not personal to challenge your husband's position. And I would argue frankly that sometimes he's right and sometimes he's wrong. And I've said that he's right. And in acknowledgment to the role that he plays he has pretty much of an open mic. It's hardly, hardly a reflection of personal disagreement or personal – making a challenge personal. That's how democracy works. He plays a good role in this community and I'll say it publicly on the record by forcing us to think these things through. That's why he got to the mic after you did tonight. Now that's it, let's move on to old business.

OLD BUSINESS:

8. Mr. Revoldt: Item No. 8, I'd like a motion to read by title only 2nd reading Ordinance 33-09. If there are any other comments from council. None, let's move.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 33-09.** All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.

No: 0

Mr. Revoldt: May I have a motion to adopt or excuse me, read it.

Ordinance No. 33-09 – 2nd Reading – Community & Economic Development

An ordinance authorizing an agreement with The Fred W. Albrecht Grocery Company dba Acme Fresh Market #16 providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area Program, and declaring the same to be an emergency.

Mr. Revoldt: Marcia.

Mrs. Kiesling: We cannot pass it on an emergency tonight because you're going to abstain. Correct?

Mr. Davies: I have to – I feel I have to. Not because I'm against it but because of conflicts.

Mr. Revoldt: Just give it a second reading.

Mrs. Kiesling: Besides that second reading I think we – other than Pat I guess we need to hear from Pat.

Mr. DeOrio: Thank you.

Mrs. Kiesling: You're welcome.

Mr. DeOrio: I'm from the other school still, I'm in the "but for" category. You know I appreciate all the additional information that the Council President and others have given me. It certainly has been eye opening, it's something to consider; in this particular situation though I don't feel that I can apply that. This has been an expansion that has probably been in the works for some time. I was part of a community organization that used to use the Community Room at the Acme store on a monthly basis. And some eight months ago now we were told that that room would not be available come the end of the year of 08' because this expansion was going to happen. So in this limited circumstance I'm still going to subscribe to the other - the view of looking at this and it's – and I'm glad to hear that everybody else's comments, it's just a difference of opinion, there's nothing personal. And I also appreciate all that they do, I'm a shopper at Acme, I've been in there extensively and

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look forward to participating in their gas card program which they're rolling out here in the next five days I believe. So to answer your question at this time I'm - I intend to cast my vote as no.

Mrs. Kiesling: Anybody else? Comments, questions? I motion we accept.

Mr. Revoldt: Motion to adopt is there a second?

Mr. Peters: Second.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 33-09. All members present voting:

Yes: Snyder, Kiesling, Peters, Revoldt.

No: DeOrio

Abstain: Davies

9. Mr. Revoldt: Moving on to Item 9, a motion to read by title only, second reading Ordinance 34-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading** of Ordinance No. 34-09. All members present voting:

Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.

No: 0

Ordinance No. 34-09 - 2nd Reading - Water, Sewer & Rubbish

An ordinance approving, confirming and accepting a thirty (30') foot Perpetual Water Utility Easement Agreement by and between the City of North Canton, an Ohio Municipality, ("Grantee") and Faith Family Church ("Grantor").

Mr. Davies: Essentially we're paying a dollar for the easement. It was something that was supposed to have been done when the road was put in but the road wasn't put in and to be able maintain things and so forth we need this easement. It's going to cost the city a dollar. And I motion that we approve.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 34-09. All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

10. Mr. Revoldt: Item 10, a motion to read by title only, first reading of Ordinance - excuse me, second reading of Ordinance 35-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 35-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Ordinance No. 35-09 - 2nd Reading - Finance & Property

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue seven (7) of the existing and modify one (1) of the Community Reinvestment Area ("CRA") agreements.

Mr. Snyder: Mr. President, Members of Council, we did meet as a review council and reviewed all eight of the existing CRA agreements. As it so states seven are in total compliance both current on real estate tax and current on the amount of employees and the amount of income taxes they'll be paying the city with the exception of the one. It is compliant on the amount of new payroll but somewhat devoid on the amount of new employees because it is a call center and unable to reach those ambitious goals based on the Do Not Call List. And it was the concurrence of the committee at that particular time, members representing the city schools, business, the private sector and the Stark County Government that we amend that one to make it compliant so that it's not put on probation year after year which I think there are - if my memory serves me there's either two or three years left on the run of the - the amount is about 174, \$184 per year. And we felt it would be easier to amend that and bring it compliant rather than as I say leave it in a probationary period.

Mr. Revoldt: Any other questions or comments? Seeing none then a motion to adopt the second reading of Ordinance 35-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 35-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

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Held

Monday, April 27

7:00 p.m.

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NEW BUSINESS:

11. Mr. Revoldt: Moving on to new business, Item 11 a motion to read by title only, first reading of Ordinance 36-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of Ordinance No. 36-09.** All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.

No: 0

Ordinance No. 36-09 – 1st Reading – Street & Alley

An ordinance amending PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE of the Codified Ordinances of the City of North Canton by the addition under TITLE ONE – STREET AND SIDEWALK AREAS of a Sidewalk Policy and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, I think this is probably one issue that has been thoroughly vetted in committee. And I don't believe there is anything new that has happened since last week. If there is no other additional comment I would move for adoption of Ordinance No. 36-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading of Ordinance No. 36-09.** All members present voting:

Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.

No: 0

12. Mr. Revoldt: Moving on to Item 12, for the record we should note that a signed Fiscal Officers Certificate dated April 20, 2009 is on file for Ordinance 37-09. With that statement I would like to have a motion to read by title only, first reading of Ordinance 37-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of Ordinance No. 37-09.** All members present voting:

Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.

No: 0

Ordinance No. 37-09 – 1st Reading – Finance & Property

An ordinance providing for the issuance and sale of \$800,000 notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of acquiring the premises known as Arrowhead Country Club, located at 1500 Rogwin Circle SW in the City of North Canton, Ohio, and declaring an emergency.

Mr. Snyder: Mr. President, Members of Council, Squires, Sanders in anticipation of this will be preparing the notes. At present the note – the bonds are held by the city as an addendum to our investment portfolio. The ordinance does allow for the Finance Director to do same. Presently the notes are in a little excess of 900,000 to wit they'll issue notes for around 800,000.

Mr. Revoldt: If – are there any other questions or comments?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading of Ordinance No. 37-09.** All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

Mr. Revoldt: A motion to suspend the rules for Ordinance No. 37-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 37-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Revoldt: A motion to adopt under suspension of the rules as suspended Ordinance No. 37-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 37-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

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13. Mr. Revoldt: Item 13, a motion to read by title only, first reading of Ordinance 38-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of Ordinance No. 38-09.** All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.

No: 0

Ordinance No. 38-09 – 1st Reading – Finance & Property

An ordinance authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period of August 1, 2009 through June 30, 2010 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, this grant that we are applying for will pay up to fifty (50%) percent of the D.A.R.E. Officer's salary. At present that was successfully negotiated to have an officer present in the schools. It's through the Ohio Attorney General Program on I think where confiscated cars and so forth are sold. We've had this grant and utilized it for about the last six years. That's it.

Mr. Revoldt: Any other questions or comments?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 38-09.** All members present voting:

Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance No. 38-09.

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 38-09. All members present voting:

Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: May I have a motion to adopt under the rules as suspended Ordinance 38-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 38-09. All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

14. Mr. Revoldt: Item 14, a motion to read by title only, first reading of Ordinance 39-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading of Ordinance No. 39-09.** All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Ordinance No. 39-09 – 1st Reading – Finance & Property

An ordinance authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the School Resource Officer Program for the period of June 1, 2009 through May 31, 2010 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, again we presently have a School Resources Officer. This grant would be up to fifty (50%) percent of his wages. The money is provided from the Attorney General's Office and it's money that's left over from the excess D.A.R.E. Program that they have.

Mr. Revoldt: Thank you. Any other questions or comments?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 39-09.** All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance 39-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 39-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance 39-09.

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Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** for Ordinance No. 39-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.

No: 0

15. Mr. Revoldt: Item 15, a motion to read by title only, first reading of Ordinance 40-09.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading of** Ordinance No. 40-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.

No: 0

Ordinance No. 40-09 – 1st Reading – Personnel & Safety

An ordinance accepting the Memorandum of Understanding by and between the City of North Canton ("City") and The North Canton Professional Firefighter and Paramedic Association, IAFF Local 3489 ("Union"), for the purpose of settling the wage re-opener dispute with the Fire Union, Case No. 2009CA00026 and declaring the same to be an emergency.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yes, thank you. Yea, this is just the re-opener language for the re-opener. Earle do you want to add more to this before we...

Mr. Wise: Just that we discussed this last week, it was a re-opener. There was a three (3%) percent built into the three year contract for this last year which began in July of 2008. This would now reduce that to a two (2%) percent retroactively back to July of 2008 through – I'm sorry, August of 2008 through July 31st of 2009.

Mr. Peters: Okay, anybody else from Council, comments? None. Alright, I motion that we have the first reading of 41-09 – oh, I'm sorry 40-09

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 40-09.

Mr. Revoldt: It's been moved and seconded. Clerk...

All members present voting:

Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance 40-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 40-09. All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 40-09.

Mrs. Kiesling moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 40-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

16. Mr. Revoldt: Item 16, a motion to read by title only, first reading of Ordinance 41-09.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 41-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

Ordinance No. 41-09 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA)(Patrolmen), and declaring the same to be an emergency.

Mr. Peters: Thank you. I think everyone on council is very familiar with this. Anything else to add? Alright.

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Mr. Revoldt: Might be important to walk through this E.J., what are the significant terms of this contract?

Mr. Wise: With the patrolmen we do have a contract. We have a contract as a result of the Fact Finder session. The Fact Finder report was reported to council and to the union. Both sides have functionally accepted that so we do have a contract. We have now gotten the language down there. There was some language back and forth as to – particularly one paragraph in the health care. The points of this are: the patrolmen will have a two (2%) percent pay raise for the year August, 2008 through July 2009, most of which is over at this point, that will be retroactive back to August of 2008. The next year there will be a two and a half (2-1/2%) percent and the third year will be a two and a half (2-1/2%) percent. There were provisions taken out of the contract by the Fact Finder which allows the city to utilize part-time officers on a vacancy or call-in procedure when there's a vacancy on a shift. There is provision which allows the city to not count paid leave towards the calculation of overtime. The health care provision the salient points of that are most all of the deductibles, co-pays, were raised, there's a slightly different prescription arrangement where the actual co-pays are the same or very similar, but there's a percentage of the cost of the drug and the co-pay is whichever of those two is greater. The employee contribution for health care was four (4%) percent under the old contract it is eight (8%) percent under this contract. Other – some changes but those are the important ones.

Mr. Revoldt: And in addition there is new language that will allow us, pursuant to the auditor's recommendation, that we can – should be able to police our sick time use.

Mr. Wise: Yes.

Mr. Peters: I think based on past practices these concessions, if you may, are pretty significant.

Mr. Wise: Yea, some of them really are, yes indeed.

Mr. Revoldt: Any other questions or comments from the administration, from council? Seeing none then may I have a motion to adopt the first reading of Ordinance 41-09.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 41-09. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance 41-09.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 41-09. All members present voting:

Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.

No: 0

Mr. Revoldt: A motion to adopt under the rules as suspended Ordinance 41-09.

Mr. Davies moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 41-09. All members present voting:

Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

17. Mr. Revoldt: Item 17, Ordinance No. 42-09 may I have a motion to table.

Mr. Davies moved and Mr. Peters seconded to **table** Ordinance No. 42-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

18. Mr. Revoldt: It worked once, let's try it again. May I have a motion to table Item 18, Ordinance No. 43-09?

Mr. DeOrio moved and Mr. Davies seconded to **table** Ordinance No. 43-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.

No: 0

REPORTS:

Mr. Revoldt: Reports. Director of Law.

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Mr. McFarren: Recently had the opportunity to attend a federal labor law and employment session in Cleveland. The seminar was presented by the actual agencies who do the enforcement - Family Medical Leave Act, Fair Labor Standards, Occupational Safety, National Labor Relations, EEOC and ADA. The unfortunate result of some of the change in the ADA definitions will be that they're expecting a thirty (30%) percent increase in complaints or charges depending on how you call it, to be filed in the next calendar year as a direct result of the changes that were made in that piece of legislation. There was no cost to the city and there was no CLE credit but it was still worthwhile.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: No report.

Mr. Revoldt: Director of Administration.

Mr. Wise: Yes, the EMS Building, Fire Station No. 2 on 7th Street, the roof has been completed. There is also going to be new carpet installed I believe sometime this week in the day room. As a result of the new carpet or prior to the new carpet the workers approached the Chief and asked if they could move things out of the day room and use old paint that was at the Fire Department from the last time it was painted and clean that room up and paint it. There was a small amount of paint that needed to be purchased. But they did do that and it looks nice up there. The roof looks great. The room looks real good pending new carpet come Friday. Also down at the corner of Pittsburg and Applegate there's a lot of work being done down there - a lot of dirt being moved. That will be a new Scheetz Gas Station and that will open some time this summer is my understanding. Thank you.

Mr. Revoldt: Mayor.

Mayor Held: Yes, I would like to thank council - City Council for their help in bringing these jobs to North Canton. You know we had a real nice press conference. I know some of you were able to make it and I just appreciate your support because when you see cities that are losing jobs and struggling and even though we did lose 2400 jobs over the past seven years we've hit the bottom but we're coming back up now and it really has been a joint effort. I think the hardest part in holding one of those press conferences is making sure that you thank everybody that's involved. And what really amazes me is the people that do the work and the people that are involved are the ones that really don't want to be recognized. And so I appreciate all your help that all of you have done. And we hope that we have more announcements like that. That's all.

Mr. Revoldt: Mr. Benekos.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: Just a few a things. First off I just wanted to quickly revisit the Community Development - Community Reinvestment Area Program. I just wanted to read something in the Ohio Department of Development's language. Basically it says that Ohio CRA Program was created to promote and revitalize - promote the revitalization of areas where investment has been discouraged by offering property tax exemptions for any increased property valuation that would result from the renovation of existing structures or new construction activities within the area. The program can be used to encourage historic preservation, residential rehabilitation or new residential construction and/or as an economic development tool to encourage commercial and industrial renovation or expansion in new construction. I think council's decision tonight I think that underscores that part to encourage commercial and industrial renovation. And that's what we're doing here to keep the areas - keep our businesses and keep our businesses vibrant and vital. So with that I just wanted to read that. Another thing some good news the former Blockbuster at 1106 North Main Street they're going to have a new tenant in that building. Midwest Industries which is part of a group home. What they do basically is employ about five to seven full time employees and they will bring in up to twenty day workers, developmentally disabled persons and they will be making stuff on the site, much similar to the workshops. So it's a great addition. I think we're going to see in the future a lot of old buildings that were housing residential or excuse me, retail units I think you're going to see a changeover in that a conversation of that in North Canton. Another positive, Scott Hunter, a veterinarian that a lot of people like in North Canton, they're moving from their present location to the former Harmony Café on North Main Street. You might of noticed some construction going on there. Regarding the Job Ready Sites Program and that grant application for the Hoover District, we've had a couple meetings with the principals. We expect probable city developer agreement. I'm putting something together. I'm giving information to the Law Director to take care of that. We'll be covering the site control. We'll also, the work at that site per the regulations of the state that will all be competitively bid and that will be covered under state prevailing wages. So a lot of work is going to be involved in administering that grant. But for the most part right now what we're seeing is a very competitive real estate market where a lot of people are out there looking to save money. They're taking a look at their existing situation if they have leases coming up in the near future. We're getting a lot of activity. A lot of people are looking at our our - for a lease office buildings in North Canton as well as conversation of former retail. We're seeing a lot of that. We're seeing a lot of action from people coming over from Belden

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Village. And they're getting some pretty good rates at Belden but they're looking at a lot of places we have right now. We're getting a lot of action so I think that's pretty good. Last thing I'll have to say is the former Duke station, I know Marcia especially you wanted to see that taken care of. Tom Hampton as you know has had many conversations with the property owners. I've had a couple of conversations over the last week and we're hopefully working with the potential buyer right now and we'll see how that goes. They may give them some consideration as part of the demolition. We're waiting for some documentation to show that it's a clean site and which we believe it is from the Fire Department, but we're looking for that documentation. So through the JRS Program one thing I did want to say is that of all the other communities that applied for those funds we're the only one that did it in house without a consultant. And you know that's - we saved thousands of dollars. And so you know between the Law Director and the Director of Finance and the City Engineer and myself we saved the city a lot of money. And we're - it was just something we learned when we were polling and getting these other agreements from the state and finding out that they - that they have some - they're paying some significant amounts of money for consulting contracts. So I think that says a lot you know for the city to be able to do something in house like that. End of report.

Mr. Revoldt: Any questions for Eric on any of the subjects he's raised? Very good. Clerk of Council.

Mrs. Kalpac: No report, thank you.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yea, I just wanted to thank Eric for his hard work. That's - you're doing good things over there; we appreciate it.

Mr. Bowles: Not just me other people are a part of that.

Mr. Peters: Question on the Duke station. You said we're waiting for a site - if the site's clean or what were you saying again?

Mr. Bowles: Yea, the City of North Canton has an ordinance that requires within a certain period of time the tanks to be pulled out which was done.

Mr. Peters: Right.

Mr. Bowles: And other documentation under BUSTR the Buried Underground Storage Tank Regulations that was taken care of. But what we're waiting to see right now we have somebody who might be interested in purchasing the property. We need to see a no further action letter from the property owner. They believe they have that, they're pretty sure and they're going to get that to me and we're going to move on to that as rapidly as we can. So...

Mr. Peters: Yea, because they covered that up immediately after they took that out. They didn't - there was no other action there.

Mr. Bowles: No if they have a no further action letter then basically what's left of the station can be demolished and if somebody wants to build something new on the site there's no problem.

Mr. Peters: Now I won't hold you to this, but do you have an idea when that may happen, when that building may come down?

Mr. Bowles: I do not. Credit markets are what's holding this up right now. The bonus is is that the price for the cost of the land is a third of what it was in 2005...

Mr. Peters: Yea.

Mr. Bowles: That's the bonus. The down side is the credit markets are such that people can't borrow. But we do have an interested purchaser.

Mr. Peters: I'm sorry...

Mr. Revoldt: I was just going to say the no further action letter is merely the buyer's insurance that there is no liability on that site.

Mr. Peters: Gotcha.

Mr. Revoldt: So if there's - he's protected from any cleanup action.

Mr. Peters: Okay.

Mr. Revoldt: It's a standard document. It's probably buried in their file.

Mr. Peters: Also, the Civil Service Office currently accepting registration through May 1st 09' for the EMT-P/Firefighter exam. The exam will be held on May 6th at 6:00 p.m. at the North Canton Civic Center. And that's it for me.

Mr. Davies: I have no report, but I would like to recognize an eminent radio personality, Mr. Tom Chufar was on the radio this morning on WHBC and did a fine job. I was listening and I thought I

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know that voice – I know that voice and I couldn't figure it out and then I heard him talking about North Canton pool passes – I – Tom Chufar. You did a wonderful job.
Mr. Peters: Nice job, Tom, I heard it too.

Mr. Revoldt: Mr. DeOrio.
Mr. DeOrio: No report.

Mr. Revoldt: Mrs. Kiesling.
Mrs. Kiesling: No report.

Mr. Snyder: Nothing for me, thank you.
Mr. Revoldt: You're sure?
Mr. Snyder: I have nothing to say. Do you believe that?

Mr. Revoldt: Final call for business – final call. Let me, before I ask for an adjournment of this meeting and we're going to return to executive session, Edd I guess I'll direct this to you, the Mayor has touched lightly upon our success in economic development, but from my experience with the Department of Development the record across the street is nothing short of phenomenal. Most communities are lucky if they get one project in any twenty-four month period. We've had multiple projects and the last one with 250 jobs is frankly – that's like hitting a trifecta at a race course. I want to come back and close on one final comment and this Chuck, this goes to you I wish Rita was here and Mr. Daniluk, I address this to you as well. A couple of the projects I know have come through site selectors. These are people who look at communities, who look at opportunities and then make a recommendation to their client. They don't call Eric first. And this is critical that everyone understand this that the site selectors generally do not – generally don't contact the communities until they have narrowed a list to a short one. And that's what's happen in a couple of our situations here. I think it's important that all of us understand as we debate across the street cranes, no incentives, little incentive, that site selectors look at business conditions for their client and that might be the availability of labor, the cost of energy, health care, etc., those things that affect the bottom line. But they also look at the community itself. And as I referenced earlier, they look for stability within the administration and within City Council. Some people will denigrate this notion of being business friendly. I use that as a broad umbrella term for a community having a can do attitude which is absolutely critical to site selectors because businesses generally want certainty when they're choosing a location. Most businesses and Eric has referenced it earlier about a competitive market, if one compute either is summed out about community "a" being business friendly and having that can do attitude and community "b" which is gung-ho, the opportunities will go to the community which is gung-ho. That is something that we need as a group, all of us, we need to bear in mind. We've been very lucky across the street. It does not mean that our luck will continue unabated in a very competitive market. And frankly there is to Chuck's point a very delicate balance here as we discuss and vet these issues. It's not that we're indifferent to Chuck's argument some of us have a different point of view. But most important of all is if someone picked up this transcript and read it or read Google and trust me companies Google communities for their council meetings, what do those comments reflect on the community. And that's something that all of us have to think about. We've been lucky maybe we've been more lucky than good, but we're very fortunate across the street. But our continued success in my opinion, depends upon our can do attitude toward business. It's something that is new – we've never had to do it before and we are now in this environment. And I think in some small way we are seeing the fruit if Dennis Conley's comments are accurate, that they looked at this community and how it was running right now and made a decision to bring 250 jobs based upon their impression of what we were doing. That's the market place talking and I think that speaks the loudest. So without any other comments I'll entertain a motion to adjourn.

ADJOURN:

Mr. Davies moved and Mr. DeOrio seconded to adjourn the council meeting. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.
No: 0

The meeting adjourned at 7:58 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL